

October 12, 1999

D.T.E. 99-99

Proceeding by the Department of Telecommunications and Energy to conduct mandatory thousands-block number pooling trials pursuant to the authority delegated by the Federal Communications Commission In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, FCC 99-246, NSD File No. L-99-19 (September 15, 1999).

I. INTRODUCTION

On February 17, 1999, the Massachusetts Department of Telecommunications and Energy ("Department") as part of its ongoing effort to conserve area codes in the Commonwealth, filed a petition ("Petition") with the Federal Communications Commission ("FCC") for a Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes. In the Petition, the Department requested that the FCC grant the Department the authority, in the above stated area codes, to:

(1) reclaim unused and reserved exchange codes; (2) maintain current central office code rationing measures for at least six months after implementation of all area code relief plans;

(3) revise rationing procedures; (4) hear and address claims of carriers seeking additional codes outside of the rationing plan; (5) set code allocation standards; (6) institute thousands-block number pooling; (7) implement extended local calling areas; (8) implement inconsistent rate centers;⁽¹⁾ and (9) implement Unassigned Number Porting (Petition at 4).

On September 15, 1999, the FCC issued an Order ("Order")⁽²⁾ in response to the Petition. The FCC recognized that the area code situation in Massachusetts is critical given that the need for area code relief has arisen for the second time in only two years (Order at 3). The FCC conditionally granted the Department the interim authority relative to all items requested by the Department with the exception of the Department's request to revise network numbering exchange ("NXX") code rationing procedures and to implement unassigned number porting (Order at 18, 19).

II. DISCUSSION OF FCC ORDER

Under the current rationing system in place for the eastern LATA of Massachusetts, the available supply of exchange codes will exhaust in the first quarter 2001 for the 617 area code, the second quarter 2001 for the 508 area code, the second quarter 2001 for the 781 area code, and the third quarter 2001 in the 978 area code. The FCC characterized these circumstances as "extreme" and granted the Department authority greater than the Pennsylvania Numbering Order had allowed (Order at 4). In doing so, the FCC also noted that this grant of authority is interim and will be superseded by the FCC's Numbering Resource Optimization proceedings (Order at 4).⁽³⁾

The FCC agreed with the Department that thousands-block pooling is an important numbering resource optimization strategy and essential to extending the life of the North American Numbering Plan ("NANP") (Order at 5). In its Petition, the Department noted that the North American Numbering Council ("NANC") estimated that nationwide thousands-block number pooling would take between 10 and 19 months to implement, well beyond the critical dates for area code conservation in the Commonwealth (*Id.*). In light of this information, the FCC authorized the Department to conduct thousands-block number pooling trials in an effort to ameliorate the strain on Massachusetts' numbering resources (Order at 6).

The FCC's grant of authority was conditioned on strict adherence to several conditions: (1) numbering resources must be made available on an equitable basis; (2) numbering resources must be made available on an efficient and timely basis; (3) the Department's numbering administration may not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and (4) the Department may not unduly favor one telecommunications technology over another (Order at 4, citing 47 C.F.R.

§ 52.9(a) and 47 U.S.C. § 251(e)(1)).

In accordance with FCC guidelines, the FCC required that in conducting the thousands-block number pooling trial the Department must not divert critical resources from carriers away from preparations related to the Year 2000 rollover and must give adequate transition time to carriers for implementing pooling in their switches and administrative systems, in particular with those systems involved in their Operations Support Systems ("OSS")

(Order at 8). The FCC also required that states determine a method for area code relief prior to implementation of the number pooling trial (Order at 7).⁽⁴⁾ Additionally, the FCC required the Department to determine a method of cost recovery, including those carrier-specific costs directly related to pooling administration (Order at 8). These costs must be recovered in a competitively neutral manner (*id.*).

Finally, the Department may require NXX code applicants to demonstrate that they have met certain fill-rate ratios⁽⁵⁾ before obtaining additional numbering resources even in a

non-jeopardy⁽⁶⁾ numbering plan area ("NPA") (Order at 14).⁽⁷⁾ In establishing and applying

fill-rate ratios on carriers, the Department may only consider a carrier's fill-rate in relation to growth codes; the Department must ascertain carrier compliance with the fill-rate requirement; and the Department may not release information relating to any carrier's fill-rate ratios other than to the NANPA or to the FCC or its Common Carrier Bureau (Order at 16).

III. VOTE

As previously stated to the FCC in the Department's July 15, 1999, supplemental comments to its Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes (DA 99-461, NSD-L-99-19, CC Docket No. 96-98), the area code situation in the Commonwealth is critical and number pooling offers one of the best opportunities for addressing this (Petition at 9, 10). The best interests of the consumers of the Commonwealth will be served by the Department using its resources to conserve the existing area codes in Massachusetts (Petition at 10). The Department finds that planning for the implementation of mandatory thousand-block number pooling should begin immediately. The Department also finds that all carriers currently capable of conducting local number portability ("LNP") in Eastern Massachusetts shall participate in the mandatory thousands-block number pooling trials to be conducted. Accordingly, we vote to open this proceeding to implement mandatory thousands-block number pooling trials.

A meeting to implement the mandatory number pooling trial will be held in the Department's offices on Thursday, October 21, 1999 at 11:00 AM. This meeting will be conducted by Lockheed Martin CIS ("CIS"), the Pooling Administrator⁽⁸⁾, with Department oversight. At this meeting, the Department and CIS will discuss the scope and breadth of the pooling trial, identify the pooling participants, and identify affected rate centers. The Department intends to conduct the first number pooling trial in the Metropolitan Statistical Area ("MSA") encompassing the Greater Boston region (comprising the 617 and 781 areas in their entirety and significant contiguous portions of the 508 and 978 areas). By doing so, the Department believes it will be possible to implement mandatory number pooling in the 617 and 781 area codes and in parts of the 508 and 978 area codes. As directed by the FCC's Order, the Department must conduct the pooling trials one MSA at a time (Order at 9). The Department intends to proceed with further pooling trials in the other Eastern LATA MSAs following the implementation in the first MSA, in accordance with FCC guidelines (Order at 10). The Department expects that all code holders in the Greater Boston MSA will attend implementation meeting.

The Department solicits comments from interested persons on the following issues related to thousands-block number pooling trials: cost recovery; fill-rate ratios; and to what extent, if any, thousands-block number pooling requires carriers to alter their OSS and Year 2000 rollover preparations. Initial comments will be due at the Department's

offices at One South Station, Boston, MA, 02110, no later than the close of business (5:00 PM) on Thursday, October 25, 1999. Reply comments will be due to the Department no later than the close of business, Thursday, November 1, 1999.

For the purposes of notification to interested participants, the Department will hereby apply the service lists from An Investigation by the Department of Telecommunications and Energy on its own motion to determine the need for new area codes in Eastern Massachusetts and whether measures could be implemented to conserve exchange codes within Eastern Massachusetts, D.T.E. 98-38 and from A Petition of Lockheed Martin IMS, the North American Numbering Plan Administrator, for area code relief for the 508, 617, 781, and 978 area codes in Eastern Massachusetts, D.T.E. 99-11 as the initial service list for this docket. A copy of this Order will be sent to the attached service list and to the list of code holders for Massachusetts. Any interested person who wishes to be added to the service list should submit a request to this effect to Mary L. Cottrell, Executive Secretary for the Department, by the close of business (5:00PM) Wednesday, October 20, 1999.

IV. ORDER

Accordingly, it is

VOTED: To open this proceeding to conduct mandatory thousands-block number pooling trials in Eastern Massachusetts; and it is

ORDERED: That all carriers that are LNP capable in Eastern Massachusetts shall participate in the mandatory thousands-block number pooling trials to be conducted; and it is

ORDERED: That the Secretary of the Department shall, within seven days of the issuance of this order, serve a copy of this Order on the D.T.E. 98-38 and D.T.E. 99-11 service lists by mail.

By Order of the Department,

Janet Gail Besser, Chair

James Connelly, Commissioner

W. Robert Keating, Commissioner

Eugene J. Sullivan, Jr., Commissioner

Paul B. Vasington, Commissioner

1. Inconsistent rate centers occur when different rate center boundaries are applied to competitive local exchange carriers than those applied to incumbent local exchange carriers.

2. In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, FCC

99-246, NSD File No. L-99-19 (September 15, 1999).

3. The Numbering Resource Optimization proceeding will establish national guidelines, standards, and procedures for numbering optimization. See Numbering Resource Optimization, *Notice of Proposed Rulemaking*, CC Docket No. 99-200, FCC 99-122 (rel. June 2, 1999).

4. The Department will issue an order on area code relief in A Petition of Lockheed Martin IMS, the North American Numbering Plan Administrator, for area code relief for the 508, 617, 781, and 978 area codes in Eastern Massachusetts, D.T.E. 99-11.

5. A fill-rate ratio is a standard setting measure for the allocation of NXX codes.

6. "Jeopardy" is a term of art in the telecommunications. Lockheed Martin, the North American Numbering Plan Administrator ("NANPA"), declares "jeopardy" when it projects that exchange codes will be used up or exhausted within two years, thus triggering the need for area code relief plans.

7. The Pennsylvania Numbering Order at 19025-26, § 24 invited states to consider imposing usage thresholds on carriers before obtaining NXX codes within the same rate center in jeopardy situations subject to state-ordered NXX code rationing plans.

8. Through interim agreements with the NANC, CIS has been contacted by the states regarding their role and responsibilities as a Pooling Administrator ("PA"). CIS is currently the PA in number pooling trials in Illinois and New York state. The NANC has recommended to the FCC that CIS serve as the national PA.